

**BILL NO. 2021-3
ORDINANCE NO. 740**

An Ordinance amending Title 4, Chapter 3 entitled PUBLIC HEALTH AND SAFETY, WEEDS, DEBRIS AND OTHER OFFENSIVE MATTER of the City Code of the City of Ely specifically changing the timeframes outlined in Section 3.

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

NOW, THEREFORE, the City Council of the City of Ely DOES AMEND ELY CITY CODE TITLE 4, CHAPTER 3, AS FOLLOWS:

Section 1. Ordinance Enactment

4-3-1: ACCUMULATIONS UNLAWFUL; NUISANCE DECLARED:

A. Nuisance Declared: All weeds, slop, waste, garbage, offal, bones, manure, or other unwholesome or offensive matter, scrap motor vehicles or trailers or parts thereof, wagon beds or bodies, running gear, tree stumps, old bed frames, bed springs, mattresses, old wire fencing, or other debris or junk permitted to grow or accumulate or be stored upon any real property within the city are hereby declared to be a nuisance and detrimental to the health, good order, safety and general welfare of the people of the city.

B. Accumulation Prohibited: It shall hereafter be unlawful for any person to suffer or permit accumulation of any of the things enumerated in this section upon any property owned by him, or of which he may have charge, and the cost of removing the same shall become a lien upon the real property upon which the same are found, unless it be removed in accordance with the terms of this chapter. (Prior code § 11-12)

4-3-2: NOTICE TO REMOVE:

The city administrator or designee shall cause to be published in a newspaper within the city during the first week of April of each year, unless changed by city council by resolution, for a period of one week, notice and order to all property owners to remove any and all weeds, debris, or other offensive matter from the owner's property within thirty (30) calendar days after the first publication of such notice and order. (Ord. 689, 10-8-2015)

4-3-3: FAILURE TO COMPLY; REMOVAL BY CITY:

A. Noncompliance Report: Should the property owner fail to comply with the terms of the notice and order provided for in the preceding section within the time specified, the street department, or such other officer as the city council may direct, will report to the City Administrator the location and owner of all real property which has failed to comply with the notice and order. (Prior code § 11-14)

B. Hearing; Notice: Thereafter the city administrator or designee shall cause a hearing to be held, providing ten (10) calendar days' notice if served by certified mail, return receipt requested or five (5) calendar days' notice if personally served upon the property owner, according to the

records in the office of the county assessor, pursuant to NRS 241.034 and/or NRS 241.035 of the time and date of their hearing in front of the city council.

C. Notice To Abate: Except as otherwise provided for in chapter 4-2-13 and 4-2-14, and in the sole discretion of the city council, if the city council at said hearing finds that the condition of the property is in fact a nuisance as defined herein, the city council shall direct the owner of the real property to abate such nuisance within five (5) calendar days of the date of the hearing. (Prior code § 11-14)

D. Failure To Comply; Removal By City: In the event the owner of the real property fails to abate such nuisance within five (5) calendar days of the date of the hearing, the council shall thereafter direct city staff to remove the weeds, debris or other offensive matter which constitutes a nuisance and to prorate the cost thereof to each parcel of property upon which the work has been performed and report the same to the city administrator or designee. (Prior code § 11-14)

E. Assessment Of Costs: Within fifteen (15) days after receipt of the report from city staff as provided in subsection D of this section, showing the property to be charged and the owner thereof, the city administrator or designee shall make written demand return receipt requested, upon the legal owner as of record in the office of the county assessor, at the last known address of such owner as recorded in said assessor's office, for the payment of the costs of removing said weeds, debris or other offensive matter. (Prior code § 11-15)

F. Lien For Costs; Collection: After the expiration of twenty (20) days from the demand referred to in subsection E of this section, the cost of removal, as therein provided, shall become a lien against the property and the city administrator or designee shall cause to be filed a lien specifically describing the property and the owner, or reputed owner, thereof, the amount expended including costs of preparing lien and file the same in the county recorder's office and shall in addition certify to the county treasurer the amount of the same segregated to the parcel of land of each owner, requesting the county treasurer to collect the same as and when taxes on real property are collected as a special assessment against the property. (Prior code § 11-16)

G. Satisfaction Of Lien: When the property owner pays the amount of the costs, plus the cost of preparing and releasing the lien as provided in this chapter, then the city administrator or designee shall cause to be recorded with the county recorder a satisfaction of the lien and shall in addition notify the county treasurer of the satisfaction of such claims. (Prior code § 11-17; amd. Ord. 689, 10-8-2015; Ord. 717, 12-13-2018)

4-3-4: PROHIBITED DEPOSITS; MISDEMEANOR:

It is hereby made a misdemeanor to throw or dump, or cause or permit to be thrown or dumped, into any street, sidewalk, alley, gutter, creek or ditch within the city any ashes, cans, slop, manure, contents of spittoons, or any rubbish or filth or other refuse matter or to permit the same to accumulate on any premises within the city, or to convey and dump, or cause or permit the same to be conveyed and dumped to or upon any other place than that designated as the city dumping ground as the same is fixed and defined by the city council. (Prior code § 11-19)

4-3-5: CRIMINAL ACTION:

Nothing in this chapter shall be construed to limit or prohibit the prosecution of the owner, or others, for a violation of any provision of this code or other ordinance affecting the health or welfare of the people by criminal complaint. (Prior code § 11-18)

Notes

- 1 1. For state law requiring city to cut, destroy and eradicate noxious weeds, see NRS § 555.150.

Section 2. Effective Date. This ordinance shall become effective twenty days after its passage, approval, and publication according to law.

Section 3. Proposing Parties. The foregoing ordinance was proposed by Councilman Alworth, at the regularly scheduled meeting of the Ely City Council on January 28, 2021, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

Section 4. Notice. Notice of filing of such ordinance was duly given by publication as required by law.

Section 5. Reading. It was read in full at the regular meeting on _____ and adopted by the following vote:

VOTE:	AYES:	_____
	NAYES:	_____
	ABSENT:	_____
	ABSTAIN:	_____

Approved this _____ day of _____, 2021

NATHAN ROBERTSON, MAYOR

ATTEST:

JENNIFER LEE, CITY CLERK

Approved as to form and content

Shain G. Manuele, Esq. City Attorney